

Application of Power-Teton Water and Sewer District
Water Reservation No. 72575-41K

II. FINDINGS OF FACT

1. An application for reservation of water for municipal and other uses was filed by Power-Teton Water and Sewer District. (Bd. Exh. 8-A.)

2. This Applicant failed to appear at the hearing and failed to produce witnesses to testify or defend its application. The Montana Power Company and other objectors had indicated prior to hearing that they would cross-examine witnesses who authored or were familiar with the application. Objectors also presented testimony and exhibits contesting the merits of the application. Power-Teton Water and Sewer District presented no witnesses and the Montana Power Company moved to dismiss the application. (Tr. Day 2, pp. 20, 87-90.)

3. Although the application was admitted into the record as *prima facie* evidence, it is fundamental that objectors have a right to cross-examine the authors or those familiar with the applications. Evidence refuting the applications was also received.

III. ORDER

1. The water reservation application for the Power-Teton Water and Sewer District is denied.